



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yoshiaki Togawa

Serial No.: 10/077,616 Examiner: Pham, Hoa Q

Filed: February 15, 2002 Group Art Unit: 2877

Title: **PARTICLE SIZE DISTRIBUTION MEASURING APPARATUS AND METHOD**

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This amendment is responsive to the Office Action of January 28, 2005, and is timely filed with a one month extension.

Introductory Comments

Claims 1- 6 stand rejected under 35 U.S.C. §102(e) and/or 35 U.S.C. §103(a) as being unpatentable in view of Shimaoka (U.S. Patent No. 6,473,178). New claims 7 – 15 have been added. Claims 1 - 6 have been deleted. Applicant respectfully requests consideration of the new claims. Applicant respectfully contends that the differences between the claimed invention and the cited reference are such that the claimed invention is patentably distinct over the cited reference.

"Amendments to the Claims" begin on page 2 of this paper.

"Remarks" begin on page 4 of this paper.

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